

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

GEMAY EL,

Plaintiff,

v.

CARTERET MUNICIPAL COURT, et al,

Defendants.

Civil Action No.: 09-5992 (JLL)

**ORDER**

This matter comes before the Court by way of Plaintiff's submission of a Notice of Removal and accompanying complaint and corresponding application to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915(a). Based on his affidavit of poverty, this Court finds that Plaintiff qualifies for non-prisoner in forma pauperis status.

Additionally, pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court has sua sponte screened Plaintiff's Complaint to determine if it is frivolous or fails to state a claim. Based on its review, this Court cannot ascertain Plaintiff's legal basis for removal. 28 U.S.C. § 1441 governs the removal of state actions to federal court. Plaintiff has not identified the specific state action he is seeking to remove. It appears that Plaintiff may simply be seeking to file a new claim for alleged constitutional violations by Carteret police officers, but that is not clear from the submission, and that is not what Plaintiff has filed. Thus, Plaintiff's submission violates the requirements of Federal Rule of Civil Procedure Rule 8(a), which requires that the Complaint set forth (1) "a short and plain statement of the grounds upon which the court's jurisdiction depends," and (2) "a short and plain statement of the claim showing that the pleader is entitled to relief."

Without a clearer statement of his basis of removal and of his claim in general, this Court cannot ascertain whether it has jurisdiction to hear the matter, and Defendants have not been provided with adequate notice as to the substance of any claims against them. However, the shortcomings of the submission do not foreclose the possibility that Plaintiff may be able to state

a cognizable claim by filing an appropriate pleading. Therefore, considering the pro se status of Plaintiff, the dismissal of the Complaint will be without prejudice to the filing of an appropriate substitute or amended pleading.

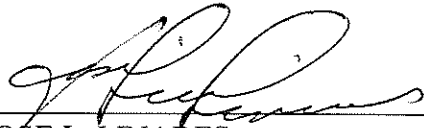
Accordingly, it is on this 2nd day of December, 2009,

**ORDERED** that, pursuant to 28 U.S.C. § 1915, Plaintiff's application to proceed in forma pauperis is GRANTED; and it is further

**ORDERED** that Plaintiff's Complaint is DISMISSED without prejudice for failure to comply with Federal Rule of Civil Procedure 8(a); and it is further

**ORDERED** that Plaintiff is hereby granted thirty (30) days from the date of entry of this Order in which to file an appropriate substitute or amended pleading; and it is further

**ORDERED** that if Plaintiff fails to file a substitute or amended pleading within thirty days, the matter will be dismissed with prejudice and the case will be closed.

  
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JOSE L. LINARES,  
UNITED STATES DISTRICT JUDGE